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2 DAVID S. CHANEY  
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Kirkland, McGuyer, O'Neill, Pena, Randolph, Ruff,  
10 Smith, and Stewart

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **HAROLD B. SHAMBURGER,**

16 Plaintiff,

17 v.

18 **R. KIRKLAND, et al.,**

19 Defendants.  
20

C 07-4597 JSW (PR)

**DEFENDANTS' MOTION  
FOR AN EXTENSION OF  
TIME TO FILE A  
DISPOSITIVE MOTION**

21 Defendants Cook, Fischer, Foss, Kirkland, McGuyer, O'Neill, Pena, Randolph, Ruff, Smith,  
22 and Stewart (Defendants) respectfully request a three-day extension of time, up to and including  
23 August 14, 2008, in which to file a dispositive motion.

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1 As explained in detail by the accompanying declaration of counsel, Defendants need  
2 additional time to finalize supporting declarations in the wake of recently received documents.  
3 Defendants have previously received one extension of time because of the delay in the parties  
4 being served after the Court's service order.

5  
6 Dated: August 11, 2008

7 Respectfully submitted,

8 EDMUND G. BROWN JR.  
Attorney General of the State of California

9 DAVID S. CHANEY  
Chief Assistant Attorney General

10 FRANCES T. GRUNDER  
Senior Assistant Attorney General

11 THOMAS S. PATTERSON  
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15 KENNETH T. ROOST  
16 Deputy Attorney General  
Attorneys for Defendants Cook, Fischer, Foss, Kirkland,  
17 McGuyer, O'Neill, Pena, Randolph, Ruff, Smith, and Stewart

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**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Shamburger v. Kirkland, et al.**

Case No.: **C 07-4597 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On August 11, 2008, I served the attached

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

**DECLARATION OF KENNETH T. ROOST IN SUPPORT OF DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

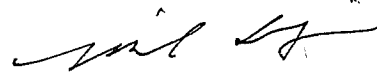
**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION**

by placing a true copy thereof enclosed in a sealed envelope with the **ONTRAC COURIER SERVICES**, addressed as follows:

Harold B. Shamburger  
D-16530  
Pelican Bay State Prison  
5905 Lake Earl Drive  
Crescent City, CA 95531  
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **August 11, 2008**, at San Francisco, California.

M. Xiang  
Declarant

  
Signature